

REMARKS

Applicants request reconsideration and reexamination of the above-identified application. The following remarks state Applicants' bases for making this request and are organized according to the Examiner's Action.

APPOINTMENT OF ATTORNEY

In response to the Examiner's advice that Applicants secure the services of a registered patent attorney, Applicants have retained the undersigned patent attorneys and enclosed is an APPOINTMENT OF ATTORNEY.

INFORMATION DISCLOSURE STATEMENT

The Examiner states that the listing of references in the Specification is not a proper information disclosure statement and that only the references cited by the Examiner on Form PTO-892 have been considered by the Examiner.

CLAIM REJECTIONS – 35 U.S.C. § 112

The Examiner states that Claims 1-13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. In particular, the Examiner states that the claims are narrative in form and replete with indefinite and functional or operational language. Applicants have amended and/or canceled the original claims and added new claims, and Applicants believe that the Claims are now definite and patentable.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner states that Claims 1-13 are rejected as being unpatentable over Buckley. The Examiner states that the claims are directed to a device for tracking behavior, where positive reinforcement cards and punisher cards are selectively placed on the board. The

Examiner then states that Buckley discloses in Figures 1-3 and in Column 3, lines 41 to line 34 of the specification, a behavior tracking device comprising a board 10, on which various tab cards 16 are placed. However, Applicants believe that Buckley does not teach a board 10 as in the present invention but instead teaches a score unit 10 having play pockets 13 in which tab cards 16 are placed, and the play pockets 13 are made of transparent plastic material. Also, the score unit 10 is designed to be portable and carried by a player in a purse, a pocket or in hand and may be rendered in a folded position for convenience; Therefore, the score unit 10 is unlikely to be a solid "board" (Col. 5 line 62 to Col. 6, line 3), but instead flexible and foldable such as plastic. Further, Buckley teaches placing tab cards 16 in play pockets 13 whereas in the present invention removable cards 30, 32, 34 are attached to the base panel 10 and not placed in a pocket. Claim 1 now calls for:

"A behavior modification recording device comprising a base panel having at least one removable card attached on the front of said base panel, said removable card comprises marking indicia representing a positive reinforcer on the card's front side and marking indicia representing a punisher on the card's back side."

Independent Claim 9 is amended to recite a method claim which is clear and definite, and Claim 9 now calls for:

"A method for parent, caregivers and educators to discipline a child without spanking, yelling, ignoring or time-outs comprising the steps of instructing said child in exactly which desired behavior or act results in a positive reinforcer card being attached and displayed on a base panel....".

Buckley does not teach the method of attaching reinforcement cards on a base panel or board but instead teaches the method of placing "tab cards 16" into "play pockets 13". Applicants have canceled Claims 6-8 and Claims 12-13, and believe that Claims 1-5 and 9-11 as amended, and new Claims 14-20 are not obvious from Buckley and that they are patentable.

The Examiner further states that Buckley fails to disclose that positive reinforcement indicia and punishment indicia are provided on the opposite sides of the same card and that this feature is an obvious variation on the cards of Buckley. However, Applicants wish to point out that the double-sided cards provide for compactness not present in the Buckley teachings. Applicants believe that new Claims 21-33 particularly point out a plurality of double-sided cards which are removably attached on pegs, which is not disclosed or suggested by Buckley. Therefore, Applicants believe that new Claims 21-33 are not obvious from Buckley and that they are patentable.

In view of the above, it is submitted that Claims 1-5 and 9-11 as amended, and new Claims 14-33, are now in condition for allowance. Reconsideration of the rejections to the Claims is respectfully requested. Accordingly, it is requested that these claims be allowed and the case be sent to issue.

If there are any questions, we urge the Examiner to call us. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully Submitted,
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By



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